

***United States Court of Appeals
for the
District of Columbia Circuit***



**TRANSCRIPT OF
RECORD**

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Court of Appeals, District of Columbia

APRIL TERM, 1901.

No. 1072

74

WILLIAM F. WOOLARD, APPELLANT,

vs.

CLARA C. WOOLARD

APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

FILED MARCH 16, 1901.

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

APRIL TERM, 1901.

No. 1072.

WILLIAM F. WOOLARD, APPELLANT,

vs.

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APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

INDEX.

	Original.	Print.
Caption.....	<i>a</i>	1
Bill	1	1
Subpoena to answer.....	3	3
Depositions on behalf of petitioner.....	5	3
Lucien Clark.....	6	4
Ida E. Ward	14	8
Frederick W. Winter.	16	9
John A. Lacy.....	18	10
John B. Macauley	20	11
Examiner's certificate.....	22	12
Exhibit R. S. B. No. 1—Letter from W. F. Woolard to C. C. Woolard, with post-office register's receipt of letter	24	12
No. 2—Letter from W. F. Woolard to C. C. Woolard, with post-office register's receipt of letter.....	27	14
No. 3—Letter from W. F. Woolard to C. C. Woolard, with post-office register's receipt of letter.....	29	15
No. 4—Letter from W. F. Woolard to C. C. Woolard, with post office register's receipt of letter.	31	16

	Original.	Print
Exhibit R. S. B. No. 5—Letter from W. F. Woolard to C. C. Woolard, with post-office register's receipt of letter.....	34	17
No. 6—Letter from W. S. Woolard to C. C. Woolard, with post office register's receipt of letter.....	36	18
Opinion of Justice Bradley.....	38	19
Decree.....	40	20
Memorandum: Verbal motion for re-reference to examiner.....	41	20
Affidavit of Lucien Clark.....	41	21
John A. Lacy.....	42	22
Amount of appeal bond fixed.....	45	23
Memorandum: Appeal bond filed.....	45	23
Clerk's certificate.....	46	23

In the Court of Appeals of the District of Columbia.

WILLIAM F. WOOLARD, Appellant, }
vs. } No. 1072.
CLARA C. WOOLARD.

a Supreme Court of the District of Columbia.

WILLIAM F. WOOLARD }
vs. } In Equity. No. 21906.
CLARA C. WOOLARD.

UNITED STATES OF AMERICA, }
District of Columbia, } ss :

Be it remembered that in the supreme court of the District of Columbia, at the city of Washington, in said District, at the times hereinafter mentioned, the following papers were filed and proceedings had in the above-entitled cause, to wit:

1 *Petition for Absolute Divorce.*

Filed November 23, 1900.

In the Supreme Court of the District of Columbia.

WILLIAM F. WOOLARD }
vs. } In Equity. No. 21906.
CLARA C. WOOLARD.

The petition of William F. Woolard respectfully represents:

1. That he is a citizen of the United States and a resident of the District of Columbia, and has continuously resided in this District for more than fifteen years past.

2. That the defendant, Clara C. Woolard, is a citizen of the United States and a resident of the city of Washington, District of Columbia, where she has continuously resided since her birth.

3. That on the 18th day of November, 1890, the petitioner and defendant were married in the city of Washington, in the District of Columbia, at the Foundry Methodist Episcopal church, by the Rev. Charles W. Baldwin, according to the rites of said church.

4. That no children have been born to the petitioner and defendant.

5. That petitioner and defendant lived together as husband and wife until the 30th day of July, 1898, at which time their marital relations ceased; that on or before the 3rd day of September, 1898,

2 defendant wilfully, voluntarily, and without any reasonable
2 or just cause therefor deserted and abandoned the petitioner
and refused to live and cohabit with him longer, and that for
more than the space of two years and up to the commencement of
this action — has continuously and uninterruptedly absented herself
from the petitioner and has refused to return and live with him and
still does, without any fault on the part of the petitioner; that said
act of desertion became completed while petitioner and the defendant
were residents of the District of Columbia, on or before the date
aforesaid.

6. The petitioner further charges that the defendant wilfully, voluntarily, and without just cause deserted and abandoned the petitioner, and that such desertion and abandonment has continued for a period of more than two years prior to the bringing of this suit.

The premises considered, the petitioner prays:

1. That process may issue in due form, directed to the defendant, commanding and directing her to appear by the day named to answer the exigencies of this petition.

2. That all proper orders and references may be made by the court as may be necessary to accomplish the objects and ends sought by the petition.

3. That an absolute divorce from the bond of matrimony be granted to the petitioner.

4. That he may have such other and further relief in the premises as the nature of the case may require and to the court
3 may seem right and proper.

WILLIAM F. WOOLARD.

E. HILTON JACKSON,
Solicitor for Petitioner.

DISTRICT OF COLUMBIA, ss:

William F. Woolard, being first duly sworn, deposes and says that he is the petitioner and has read over the above petition by him subscribed and knows the contents thereof; that the facts therein stated of his own knowledge are true, and the facts therein stated upon his information he believes to be true.

WILLIAM F. WOOLARD.

Subscribed and sworn to before me this 27th day of November,
A. D. 1900.

[SEAL.] WM. H. DE LACY,
Notary Public in and for the District of Columbia.

Subpoena to Answer.

Issued November 28, 1900.

In the Supreme Court of the District of Columbia.

W. F. WOOLARD, Complainant,
against
 C. C. WOOLARD, Defendant. } No. 21906, Equity Docket 49.

The President of the United States to Clara C. Woolard, defendant:

You are hereby commanded to appear in this court at its
 4 first special term, occurring ten days after service of this
 subpoena, exclusive of Sundays and legal holidays, and answer
 the exigency of the original bill, under pain of attachment and such
 other process of contempt as the court shall award.

Witness the Honorable Edward F. Bingham, chief justice of said
 court, the 28th day of November, A. D. 1900.

[SEAL.]

J. R. YOUNG, *Clerk*,
 By R. J. MEIGS, JR., *Ass't Clerk*.

MEMORANDUM.—That the defendant herewith served is to enter
 appearance in this suit, in the clerk's office, on or before the day at
 which this writ is returnable; otherwise the bill may be taken for
 confessed.

Marshal's Return.

Summoned defendant personally December 11, 1900.

AULICK PALMER, *Marshal*.
 B.

5 *Depositions on Behalf of Petitioner.*

Filed January 17, 1901.

In the Supreme Court of the District of Columbia.

WILLIAM F. WOOLARD }
vs. } In Equity. No. 21906.
 CLARA C. WOOLARD. }

WASHINGTON, D. C., *January 4, 1901.*

Take notice that Monday, January 7, 1901, at 2 o'clock p. m., and
 at the office of the solicitor for the petitioner, in the Columbian
 building, on 5th street between D and E streets N. W., are fixed as
 the time and place for the taking of testimony on behalf of the peti-
 tioner.

R. S. BOSWELL, *Examiner*.

To the respondent, No. 1347 T street N. W., Washington, D. C.

WASHINGTON, D. C., *January 7, 1901.*

Pursuant to the foregoing notice the parties met.

Appearances: E. Hilton Jackson, Esq., solicitor on behalf of the petitioner.

(NOTE.—The petitioner was present.)

LUCIEN CLARK, a witness on behalf of the petitioner, having been first duly sworn, testified as follows:

By Mr. JACKSON:

Q. State your name, age, occupation, and residence. A. My name is Lucien Clark; I am 62 years old; I am a clergyman, and I reside at 1485 Columbia road.

(In response to the suggestion that the witness hesitated to testify fully because the information he possessed was in the nature of privileged communications) I ask to be excused from giving testimony on the ground that a clergyman should not be required to divulge the secrets that are communicated to him in his professional work.

Mr. JACKSON: The law in the District of Columbia gives no immunity to clergymen in respect of any communication that they may receive as such, and, while sympathizing fully with the position assumed, I do not see how the law would protect you.

The WITNESS: Very well.

By Mr. JACKSON:

Q. How long have you been a resident of the District of Columbia? A. Nearly four years.

Q. How long have you known the petitioner in this case, Mr. Woolard? A. That length of time—four years.

Q. How long have you known the respondent, Clara C. Woolard? A. The same length of time.

Q. I am going to ask you a general question and I would like you to answer it as fully as you can, then if I have other questions to ask I will do so later. First, I will ask whether you know anything with regard to the relations that existed between the petitioner and the respondent prior to the fall of 1898. A. I think so.

Q. Do you know whether they were living together as man and wife up to that time? A. I know that they did, either up to the fall or summer of that year.

Q. Were you the pastor of the church of which the petitioner and defendant were members? A. Yes, sir.

Q. They were member of that church when you came to Washington? A. Yes, sir.

Q. And were up to the time of the severance of your pastoral relations with the church? A. No, sir; Mr. Woolard continued to be a member of the church up to the time of my separation from the church, but Mrs. Woolard secured her certificate of membership, I

should think, about the first of November—I should say early in November, 1898. I have not consulted the register, but that is my recollection.

8 Q. Will you state what you know, if anything, of your own personal knowledge, with reference to any troubles that existed between Mrs. Woolard and Mr. Woolard on or before the fall of 1898? A. The first that I knew was Mr. Woolard came to me in the summer—I should think it must have been the first of August or last of July or along near that time—and revealed to me the fact that there was incompatibility between the two, and that he had endured it as long as he could, and that they would separate. I inquired diligently to learn if there were any possibility of a reconciliation, and I received the impression that that was impossible. After this Mrs. Woolard came to see me. I think she came, not to induce me to try to bring about a reconciliation, but rather to learn what I had heard from Mr. Woolard and to tell me what she knew about the trouble between them. At that interview she communicated to me the fact that they were incompatible, and corroborated everything that Mr. Woolard had said to me. I asked her if she had any charges to make against Mr. Woolard, and she said she had not. She expressed to me a desire to continue to live with Mr. Woolard for appearance sake, but said emphatically that if they separated she would never return to him.

Q. The interview that you are detailing now occurred prior to the separation, as I understand you? A. The separation had been determined upon before that, but they had not separated. They were living in the same building and in the same room.

Q. Did Mr. Woolard say to you in the conversation that he had with you why it was impossible for the marital relations to
9 be continued between himself and his wife? A. He did.

Q. Will you state, as nearly as you remember, what he said upon that point? A. He told me that they had various interruptions of their happiness by violent temper and passion upon her part; that finally she had said to him that she did not love him, and he said he could not live with a woman who positively declared that she did not love him and who persisted in that declaration. I understood that he made an effort to have her retract that or to change her mind and her feelings, but that she persisted.

Q. Did you understand from him, Mr. Woolard, that he had made that effort? A. He so told me.

Q. But that she still persisted after that effort? A. Yes; and acted accordingly.

Q. You referred to Mrs. Woolard's violent temper and her declaration that she did not love Mr. Woolard. Did Mr. Woolard assign any other ground for incompatibility or any other reason why he and Mrs. Woolard could not continue their marital relations? A. No, sir.

Q. Did Mr. Woolard say to you that he was ready to resume the marital relations with Mrs. Woolard provided he could retain her love? A. He did.

Q. He said that on the occasion of these interviews to which you have referred, the interviews you had with him? A. That is my recollection. I know he said that to me, but at which interview I am not able to say.

10 Q. Before going further, will you locate, so far as you can, the interviews that you had with Mr. Woolard as to the month, if possible? A. The first interview, I think, was in the middle of the summer—the first of August or last of July, 1898.

Q. And when were the other interviews? A. They were later, continuing on until October. I suppose there may have been a half dozen interviews; but I do not know how many there were.

Q. That is between the summer of 1898 and some time in October, 1898? A. Until some time in October, 1898; yes.

Q. Now, as to the time of the interviews with Mrs. Woolard, will you locate them as accurately as you can? A. The first was after Mr. Woolard had seen me once or twice, but before the final separation. That must have been in August or first of September.

Q. 1898? A. Yes; must have been in August or first of September. Then, the second, I am not sure whether Mrs. Woolard came to see me a second time before the separation took place, but I think not. I think the second was shortly after the separation, probably in the month of September.

Q. Referring particularly to the interviews that you had with Mrs. Woolard after the separation (which you said occurred prior to September 1, 1898), what did Mrs. Woolard then say as to the resumption of her marital relations with Mr. Woolard? A. She came to see me after the separation about her church membership, saying that she had at first thought of leaving Foundry church, and
11 had finally made up her mind to remain there, thinking it would be better for her to do so. I advised her to do so. If she said anything at that time about resuming her marital relations it was to repeat what she had said before, because she had never said to me but one thing about that. I cannot say how often she repeated it, because, if she said anything, that would be impressed upon my mind. She never said anything that was different. I do not know how often she said that.

Q. Anything different from what? A. Anything different from saying that she would not live with Mr. Woolard again after they separated.

Q. And you think Mrs. Woolard made that statement after the separation? A. I think she did.

Q. Either in September or October? A. Yes.

Q. Did Mrs. Woolard, at any interview she had with you after the separation, bring any charges of any sort against Mr. Woolard, her husband? A. No, sir.

Q. Did she, at any time or in any manner, indicate that the separation was caused by any violence or cruelty on the part of Mr. Woolard? A. No, sir; I asked her if she had any charges to prefer against Mr. Woolard, because I thought if she had any charge it ought to be investigated in the church. She said, No; and if there were a church trial, or a trial in court, she never would appear.

Q. Against him? A. Against him.

Q. To make any charges? A. She never would appear at all, she said. She said she would have nothing to do with it.

12 Q. I will ask you one other question. You have just stated that Mrs. Woolard never had made any charges reflecting on the kindness of Mr. Woolard—never had any charges to make. Did she ever state in a positive way what was Mr. Woolard's treatment of her while they were in the marital relation? A. I remember that she said he had provided well for her.

Q. And that is all you remember upon that point? A. That is all I remember.

Q. Do you remember whether or not you conversed with Mr. Woolard particularly with the view of ascertaining upon what condition he would consent to again live with his wife? A. Yes, sir.

Q. I believe you stated once, will you state again more fully as to what his attitude was toward a reunion? A. He said to me that he was willing at any time, if she would return to him and love him and live with him as a wife, to receive her as such.

Q. Do you remember whether subsequently to the separation and during any interview which you had with Mrs. Woolard you communicated to her this attitude of Mr. W. Woolard? A. I do not remember.

Q. You do not remember whether Mrs. Woolard understood that Mr. Woolard was willing to receive her back on such terms? A. I have a recollection that Mrs. Woolard spoke to me about
13 Mr. Woolard's communications to her on that subject, but I am not clear in my recollection as to what she said about it.

Q. Did she say, with knowledge of those communications, that she would not return to live with Mr. Woolard? A. Oh, yes; that was the impression that she left upon my mind—that her mind had been made up, and those communications had no effect upon her at all.

Q. She did refer to some invitations that she had received inviting her to come back and live with Mr. Woolard? A. That is my recollection.

Q. But intimated that her mind was made up, and that she would not return to him? A. Yes.

Q. So far as your knowledge extends, about what time did this separation between Mr. Woolard and his wife occur? A. I should say the last of August or first of September, 1898.

Q. And, so far as you know, Mr. and Mrs. Woolard have not been living together as man and wife since that time? A. They have not.

Q. Or have you any positive knowledge on that point? A. Only a general knowledge. I know that she lived in one place and he in another. That is all I know about it.

Q. Mrs. Woolard had her home? A. Yes; had her home, and he, most of the time, was at Mrs. Ward's, on L street northwest.

14 Q. Mrs. Woolard was living at her home? A. Her father's, on T street.

Q. She went there to live, did she not? A. Immediately from the flats on Ninth street.

Q. And has been living there with her father ever since? A. I presume so, so far as I have any knowledge. I have not been visiting the home, because I have not been the pastor of the family since last spring. In fact, Mr. and Mrs. Cohen took their certificates and left Foundry church before I ceased to be pastor, so that I have not visited them, I think, since the close of 1898.

LUCIEN CLARK.

Sworn to and subscribed before me this 7th day of January, A. D. 1901.

R. S. BOSWELL, *Examiner*.

IDA ELIZABETH WARD, a witness on behalf of the petitioner, having been first duly sworn, testified as follows:

By Mr. JACKSON:

Q. State your name and residence. A. Ida Elizabeth Ward; 1141 22nd street N. W.

Q. How long have you been living in Washington? A. I think since 1867.

Q. How long have you known Mr. William F. Woolard?
15 A. That I could not tell. I would have to count back. I suppose I have known Mr. Woolard five or six years. I do not know exactly how long.

Q. How long have you known Mrs. Clara C. Woolard? A. Just about the same time. I knew them a couple of years after they were married at Foundry church.

Q. You knew them up to the summer and fall of 1898, did you?
A. Yes.

Q. You remember that they were separated, do you not? A. I do.

Q. Do you remember about when that was? A. Mr. Woolard came with us in August, 1898—at least he moved his things, but I do not think he came to live with us until October 5.

Q. That was after the separation, was it? A. Yes, sir.

Q. And he has been living at your house ever since? A. Yes, sir.

Q. And Mrs. Woolard, his wife, has not been living there with him? A. No, sir.

IDA E. WARD.

Sworn to and subscribed before me this 7th day of January, A. D. 1901.

R. S. BOSWELL, *Examiner*.

Adjourned until 10 o'clock a. m., the 10th inst.

16

WASHINGTON, D. C., *January 16, 1901.*

The parties met pursuant to adjournment.

Present: Mr. Jackson, solicitor for the petitioner.

NOTE.—(The respondent was not present.)

FREDERICK W. WINTER, a witness on behalf of the petitioner, having been first duly sworn, testified as follows:

Q. State your name, age, residence, and occupation. A. My name is Frederick W. Winter; I am 35 years old; I reside at 235 South Atlantic avenue, Pittsburg, Pennsylvania, and I am a patent lawyer.

Q. How long have you known the petitioner in this case—Mr. William F. Woolard? A. To the best of my recollection, I became acquainted with Mr. Woolard during the summer of 1891. I had known him by sight for some time prior to that time—for about a year prior to that time.

Q. Have you lived in Washington from 1891 up to the present time? A. I lived in Washington from October, 1889, until October, 1899.

Q. Do you remember some time in the summer of 1898 mailing a letter for Mr. Woolard to his wife? A. I recollect at various times during 1898 and early part of 1899 mailing a number of letters to Mr. Woolard's wife.

17 Q. (Handing witness paper.) Look at that letter and state whether or not you mailed it. It is dated August 31, 1898. If you mailed it, state the circumstances under which it was done. A. Mr. Woolard on various occasions requested me to mail letters to his wife. This copy which I have before me is a true copy of one of the letters that I mailed to his wife. I carefully compared this with the original. I also saw that the check mentioned in this letter was inclosed in the original letter. The original letter, with the check, I inclosed in an envelope and deposited in the post-office on G street on the day that is named in this copy. I can identify this copy by the contents of the letter. I read it carefully at that time, and I am furthermore enabled to identify it by the endorsement which I made at the bottom, and which I signed on the 31st day of August, 1898. I registered the letter and received this register receipt, No. 3216.

Q. State under what circumstances you mailed any other letter or letters for Mr. Woolard, if any. A. All of the letters which I mailed for Mr. Woolard were mailed upon his personal request. He came to me with the letters properly signed, with an exact copy of them, and in all cases I mailed the original letter and put my initials on, or otherwise endorsed the copy.

Q. I hand you another letter in that connection. Will you look at that and state whether or not you mailed it (handing witness paper)? A. This is a true copy of the letter signed by Mr. Woolard which I inclosed in an envelope on the 31st day of October, 1898, together with a check for \$30.00. I sealed the letter and deposited it at the city post-office in Washington. I can

18

identify the letter by the contents thereof, as I have a distinct recollection of it, and also by the indorsement in my handwriting at the bottom of the letter, which indorsement is signed by me and dated October 31, 1898.

Q. Did you mail any other letters for Mr. Woolard than those two? A. I did; but the exact number I do not remember. To the best of my recollection, I mailed a letter for Mr. Woolard about every month, together with a check for Mrs. Woolard's monthly allowance.

FREDERICK W. WINTER.

Sworn to and subscribed before me this 16th day of January, A. D. 1901.

R. S. BOSWELL, *Examiner*.

JOHN A. LACY, a witness on behalf of the petitioner, having been first duly sworn, testified as follows:

By Mr. JACKSON:

Q. State your name, age, occupation, and residence. A. My name is John A. Lacy. I am 51 years old. I am a lawyer by profession, but at present I am a member of the board of pension appeals in the office of the Secretary of the Interior, and have been since 1887.

My residence is 3013 Cambridge place N. W.

19 Q. How long have you known Mr. Woolard? A. I have known Mr. Woolard since the fall of 1887.

Q. How long have you known him as a resident of Washington? A. He has been a resident of Washington ever since I have known him; since 1887.

Q. Do you remember the circumstances of having mailed for Mr. Woolard any letters to his wife? A. I do. At the request of Mr. Woolard I mailed several letters for him to his wife, which letters contained checks, I think, for the amount of \$30.00 each. I think that is the amount of the check.

Q. (Handing to witness paper.) Do you remember that? A. I recognize this as the copy of a letter dated May 31, 1900, which I mailed to Mr. Woolard's wife, Mrs. Clara C. Woolard, on that date. Mr. Woolard brought this letter to me with this copy, which I carefully compared, and I recognized this as the copy, and that it is a correct copy of the original letter. At Mr. Woolard's request I placed this letter in an envelope addressed to Mrs. Clara C. Woolard, with a check on the Columbia national bank for \$30.00. I sealed the envelope and deposited it in the mail box at the Department of the Interior where mail is gathered there.

Q. Do you remember mailing any other letter than the one just referred to? A. I mailed several letters, I think, during that year.

Q. Can you state whether or not you remember having mailed a letter of which this purports to be a copy (handing witness paper)? A. I recognize this letter dated July 2, 1900, as a letter which, at Mr. Woolard's request, I compared with the

original and mailed the original and the check mentioned in this copy, inclosed therein, to Mrs. Clara C. Woolard under the circumstances and in the same manner in which I mailed the other.

Q. And you say you did mail some other letters? A. My recollection is that I mailed several. I do not know how many, but there were at least four or five, to the best of my recollection, if not more. Each one of them, as I now recollect, contained a check, possibly to the order of Mrs. Woolard, for \$30.00.

JOHN A. LACY.

Sworn to and subscribed before me this 16th day of January, A. D. 1901.

R. S. BOSWELL, *Examiner*.

JOHN B. MACAULEY, a witness on behalf of the petitioner, having been first duly sworn, testified as follows:

By Mr. JACKSON:

Q. State your name, age, residence, and occupation. A. My name is John B. Macauley; I am 33 years old; I reside at 1634 17th street N. W., in this city, and am an assistant examiner in the Patent Office.

Q. How long have you known Mr. Woolard? A. I have known Mr. Woolard, approximately, 10 years.

21 Q. Do you remember mailing any letters for Mr. Woolard to his wife, Clara C. Woolard? A. I remember mailing a letter for Mr. Woolard, addressed to Mrs. Clara C. Woolard, in the summer, I believe, of 1898.

Q. (Handing witness paper.) Is that the letter? A. This is a copy of the letter which I mailed to Mrs. Woolard on the 30th of September, 1898.

Q. How are you enabled to identify that as being a copy of the letter? A. I carefully compared this copy with the original letter which I mailed on that day, and I am further enabled to identify it by the note which is added in my handwriting and signed by me.

Q. Did you mail any other letters for Mr. Woolard? A. I believe not.

JOHN B. MACAULEY.

Sworn to and subscribed before me this 16th day of January, A. D. 1901.

R. S. BOSWELL, *Examiner*.

Mr. JACKSON: I now offer in evidence copies of letters from W. F. Woolard to Clara C. Woolard, the petitioner, dated August 31, 1898; September 30, 1898; October 31, 1898; May 31, 1900, and July 2, 1900, which letters were identified by the witnesses Winter, Lacy, and Macauley, respectively.

The same are hereto attached, marked Exhibit R. S. B. No. 1, 2, 3, 4, and 5, respectively.

22 I also offer in evidence a certified copy of the certificate of Rev. Charles W. Baldwin, who solemnized the marriage between William F. Woolard and Clara V. Cohen on the 18th day of November, 1890.

The same is hereto attached, marked "Exhibit R. S. B. No. 6."

In the Supreme Court of the District of Columbia.

WILLIAM F. WOOLARD	}	In Equity. No. 21906.
vs.		
CLARA C. WOOLARD.		

I, Robert S. Boswell, an examiner in chancery of the supreme court of the District of Columbia, do hereby certify that the deponents in the foregoing depositions personally appeared before me on the dates mentioned in the caption thereof; that said deponents were by me duly sworn to tell the truth, the whole truth, and nothing but the truth; that they then deposed as therein set forth, their said deposition- being by me recorded in shorthand and subsequently transcribed on the typewriter; that the said deponents (with the exception of the deponent Winter) read their said depositions and acknowledged them to be correct before they subscribed the same.

I also certify that the said Winter did not subscribe his deposition, because he was obliged to leave the city before the same was transcribed.

I also certify that I am not of counsel for either party to this suit, and that I have no interest, direct or indirect, in the result thereof.

23 I further certify that my fee for taking, transcribing, and returning said depositions has been paid me.

Witness my hand and seal this 17th day of January, A. D. 1901.

R. S. BOSWELL,
Examiner in Chancery.

AUGUST 31, 1898.

DEAR CLARA: I herewith send you \$30, the promised monthly allowance for your necessities, for September, but feel that I ought to be relieved from even this expense by your immediate return to me and the resumption of your full duties as my wife, together with the love which you should have for me. I am living at Tenleytown and find the cost very moderate in comparison with what we have been used to. We can find a small house out here which will be suitable to our needs and in which we can live in accordance with our means. It is simply nonsense for us to have lived in such an expensive style, and I consider a change to this location imperative, for I am not willing to further undertake the maintenance of a family in the city, where the cost of living is so high. For a long

time in the past our expenses exceeded my income, and I must economize hereafter. Then, again, we shall not be afflicted with any more of your peculiar and unnatural friendships, which have robbed me of your love and broken up my home.

Sincerely yours,

W. F. WOOLARD.

(Endorsed :) This is a true copy of a letter the original of which I enclosed, together with thirty dollars, in an envelope addressed to Mrs. Clara C. Woolard, Washington Grove, Montgomery county, Maryland, sealed the same, carried it to the post-office, and received for it registry receipt No. 3216. U. S. Patent Office, Aug. 31, 1898. F. W. Winter.

25 Registered { letter } No. 3216, P. O., Washington, D. C.
parcel }

W. F. Woolard.

Received 8, 31, 1898,
at office,

a { letter } addressed to—
parcel }

Mrs. Clara C. Woolard,
Washington Grove, Md.

F. W. W.

JAMES P. WILLETT, P. M.,
Per PAGE.

Registry Return Receipt.

When the registered letter or parcel accompanying this card is delivered the postmaster will require signature to the receipt on the other side, also on his record of registered deliveries, and mail this card, without cover, to address below.

A penalty of \$300 is fixed by law for using this card for other than official business.

Post-office Department.
Official business.

Post-office at—

{ Stamp here name of post-office }
and
{ date of delivery. }

Return to—

Name of sender: W. F. Woolard.

Street and number or post-office box: Patent Office.

Post-office at Washington, county of Washington, District of Columbia.

Registry return receipt sent Aug. 31, 1898.

Reg. No., 3216. From post-office, Washington, D. C.

Reg. letter } addressed to Mrs. C. C. Woolard, post-office at Wash'n
[Reg. parcel]† } Grove, Md.

After obtaining receipt below the postmaster will mail this card, without cover and without postage, on the other side.

Received the above-described registered { letter.*
[parcel.]†

(Sender's name on other side.)

Sign on dotted lines to the right:

CLARA C. WOOLARD,
Washington Grove, Md.

When delivery is made to other than addressee the name of both addressee and recipient must appear.

"EXHIBIT R. S. B. No. 2."

WASHINGTON, D. C., *September* 30, 1898.

DEAR CLARA: Enclosed is a check for \$30 for October. I have been having rather a hard time, and have been quite surprised at some of the things which have come to me, as told by your mother. It only increases the wrong done me to be blamed unjustly. You know well enough what the difficulty was, and I did hope that there would be sufficient Christian grace in your family to deal with the matter in its true light—as an unfortunate affair. I have sought to make it as easy as possible for you. To go beyond those things which we so clearly understood to be the trouble is only to widen the breach and impair the chances of reconciliation. This thought I seriously commend to you for consideration, for I hold myself ready to do my part, as I have done all through. No reply was received to my letter to you of August 31.

Yours sincerely,

W. F. WOOLARD.

This is a true copy of a letter, the original of which, together with check No. 34 on Columbia Nat'l Bank of Washington, for \$30.00, dated Oct. 1, 1898, payable to the order of Clara C. Woolard and signed by W. F. Woolard, I inclosed in an envelope addressed to "Mrs. W. F. Woolard, 1347 T St. N. W., Washington, D. C.," sealed the same, and deposited it at the city post-office for delivery.

Sept. 30, 1898.

JOHN B. MACAULEY.

* Erase letter or parcel according to which is sent.

[† Words enclosed in brackets erased in copy.]

28

*Check.*WASHINGTON, D. C., *October 1, 1898.* No. 34.

The Columbia National Bank of Washington

(Bank stamp.)

Paid.

Pay to the order of Clara C. Woolard \$30.00, thirty dollars.

Paid October 5, 1898.

W. F. WOOLARD.

(I. R. stamp.)

Endorsed: Cr. ac. (Stamp.) Clara C. Woolard. Pay to the Columbia national bank, Washington, D. C., or order. The Washington Loan & Trust Co. Andrew Parker, treasurer. R. T. October 4, 1898.

29

"EXHIBIT R. S. B. No. 3."

OCTOBER 31, 1898.

DEAR CLARA: Herewith is a check for \$30, for your expenses for the month of November. Since the 5th instant, when I returned from the country, I have been located at 2120 L street, and was influenced in the selection by the feeling that in my sorrow I would need the most homelike place that could be obtained. I do not understand why you have not replied to any of my letters. I am annoyed by the disagreeable stories that come to me, but suppose they are the outgrowth of those circulated by your people. I regret this circumstance very much, because of the effect it may have on our marital relations, as I told you in my last letter.

Hastily, but sincerely,

W. F. WOOLARD.

This is a true copy of a letter, the original of which, together with check No. 37 on Columbia National Bank of Washington, for \$30.00, dated Nov. 1, 1898, payable to the order of Clara C. Woolard and signed by W. F. Woolard, I enclosed in an envelope addressed to Mrs. W. F. Woolard, 1347 T St. N. W., Washington, D. C., sealed the same, and deposited it at the city post-office for delivery.

F. W. WINTER.

October 31, 1898.

*Check.*WASHINGTON, D. C., *November 1, 1898.* No. 37.

(I. R. stamp.)

The Columbia National Bank of Washington

(Bank stamp.)

Paid.

Pay to the order of Clara C. Woolard \$30.00, thirty dollars.

Paid Nov. 7, 1898.

W. F. WOOLARD.

Endorsed : Clara C. Woolard. Pay to the Columbia national bank, Washington, D. C., or order. The Washington Loan & Trust Co. Andrew Parker, treasurer. R. T. November 5, 1898.

"EXHIBIT R. S. B. No. 4."

W. F. Woolard, Washington, D. C.

MAY 31, 1900.

DEAR CLARA: I send you herewith the usual remittance of \$30 for your maintenance and support for the month of June. When I first stated my intention to contribute to your support you spurned my offer and said you would scrub in a kitchen before you would accept one cent of my money. But I have voluntarily sent you \$30 at the commencement of each month since then, aggregating, with the present enclosure, \$690, without acknowledgment in any form from you. This matter I have considered a duty, but have had a serious doubt as to whether I was doing right in continuing this monthly allowance, especially since my detention in the Georgetown hospital last June, when, severely injured, I did expect that ordinary feelings of humanity and regard for the bond that united us would have brought you to me. More than a year ago I wrote you two or three times, stating that I was willing to receive you back, establishing our home anew. To these letters you made no reply, and I assumed then as I assume now that you have no intention of returning to me. I now renew this offer and ask that you come back and occupy the relations which you formerly held as my wife; in which event I will provide liberally for you as I always have done, such provision being limited only by my means. In the event you persist in the determination formed so long ago not to return to me, I feel that I will then be neither morally nor legally bound to continue my remittances toward your support. These remittances will cease with the present enclosure unless you see fit to accept the invitation contained in this letter.

Yours truly,

W. F. WOOLARD.

This letter is a copy of a letter which I this day enclosed in an envelope addressed to "Mrs. W. F. Woolard, 1347 T street N. W., Washington, D. C.," together with a check on the Columbia national bank for \$30, dated June 1, 1900, numbered 290, payable to the order of Clara C. Woolard, and signed by W. F. Woolard, sealed the said envelope, and deposited the same in a letter-box for collection and delivery.

JOHN A. LACY.

Washington, D. C., June 1, 1900.

33

Check.

WASHINGTON, D. C., *June 1, 1900.* No. 290.

The Columbia National Bank of Washington

(Bank stamp.)

Paid.

Pay to the order of Clara C. Woolard \$30.00, thirty dollars.

Paid June 6, 1900.

W. F. WOOLARD.

(I. R. stamp.)

Endorsed: Clara C. Woolard. Pay to the Columbia national bank, Washington, D. C., or order. The Washington Loan & Trust Co. Andrew Parker, treasurer. R. T. June 5, 1900.

34

"EXHIBIT R. S. B. No. 5."

DEPARTMENT OF THE INTERIOR,
UNITED STATES PATENT OFFICE,
WASHINGTON, D. C., *July 2, 1900.*

DEAR CLARA: I have not heard from you in reply to the letter I sent you on the 1st of last month. The offer made then is still open to you. Meanwhile I enclose you \$30 for the present month.

Yours truly,

W. F. WOOLARD.

The foregoing is a copy of a letter which I this day enclosed in an envelope addressed to "Mrs. W. F. Woolard, 1347 T St. N. W., Washington, D. C.," together with a check on the Columbia national bank for \$30, dated July 2, 1900, number 295, payable to the order of Clara C. Woolard and signed by W. F. Woolard, sealed the said envelope, and deposited the same in a letter-box for collection and delivery.

JOHN A. LACY.

Washington, D. C., July 2, 1900.

WASHINGTON, D. C., *July 2, 1900.* No. 295.

The Columbia National Bank of Washington

Pay to the order of Clara C. Woolard \$30.00, thirty dollars.

Paid June 5, 1900.

W. F. WOOLARD.

(I. R. stamp.)

Endorsed: R. T. July 2, 1900. Clara C. Woolard. Pay to Nat. Metropolitan bank, Washington, D. C., or order. The Washington Loan & Trust Co., Washington, D. C. Andrew Parker, treasurer. (Stamp.)

To any minister of the gospel authorized to celebrate marriages in the District of Columbia, Greeting:

You are hereby licensed to solemnize the rites of marriage between William Francis Woolard, of Washington, D. C., and Clara V. Cohen, of do., if you find no lawful impediment thereto, and, having so done, you are commanded to appear in the clerk's office of the supreme court of said District and certify the same.

Witness my hand and the seal of said court this 17th day of Nov., 1890.

R. J. MEIGS, *Clerk,*
By R. J. MEIGS, JR.,
Assistant Clerk.

I, Charles W. Baldwin, minister of Wesley church, in Washington, hereby certify that by authority of a license of the same tenor as the foregoing I solemnized the marriage of the parties aforesaid on the 18th day of Nov., 1890, at Foundry, in the District of Columbia.

CHARLES W. BALDWIN.

37 Clerk's office, supreme court of the District of Columbia.

I, J. R. Young, clerk of the supreme court of the District of Columbia, hereby certify that the foregoing license and minister's certificate are truly copied from originals of record on file in said office.

[SEAL.] Witness my hand and the seal of said court the 15 day of January, 1901.

J. R. YOUNG, *Clerk,*
By L. P. WILLIAMS, *Ass't Cl'k.*

DISTRICT OF COLUMBIA, *To wit* :

I, E. F. Bingham, chief justice of the supreme court of the District of Columbia, do certify that the foregoing attestation by J. R. Young, clerk of the said court, is in due form.

Witness my hand and seal this 15 day of January, 1901.

[SEAL.]

E. F. BINGHAM,
Chief Justice, &c.

38

Opinion of Justice Bradley.

Filed February 21, 1901.

In the Supreme Court of the District of Columbia.

WOOLARD }
vs. } 21906. Equity.
WOOLARD. }

It appears by the testimony of Lucien Clark, who had been the pastor of the parties, that petitioner came to him in July or Aug., 1898, and "revealed the fact that there was *incompatibility* between the two, and that he had endured it as long as he could, and that they *would* separate;" that he "inquired diligently to learn if there were any possibility of a reconciliation, and received the impression that it was impossible;" that afterwards the defendant came to see him, and "she expressed a desire to continue to live with Mr. Woolard for appearance sake, but said emphatically that if they separated she would never return to him;" "the separation had been determined upon before that, but they had not separated; they were living in the same building and in the same room;" that petitioner told him that "she had said to him that she did not love him, and he said *he could not live* with a woman who positively declared that she did not love him, and who persisted in that declaration;" that he said "that he was ready to resume the marital relations with Mrs. Woolard *provided* he could retain her love." "He said that he was willing at any time, *if she would return to him and love him and live with him as a wife, to receive her as such.*"

39 It further appears that subsequent to the separation the petitioner sent to the defendant several letters enclosing each a check for \$30.00, a monthly allowance, each of which evinces careful preparation. Each was copied, the copy compared with the original by a witness who is produced and identifies the copy, and who testified that he mailed the original.

The first of these dated August 31, 1898, states: "I herewith send you \$30.00, the promised monthly allowance for your necessities for September, but I feel that I ought to be relieved of this expense by your immediate return to me and the resumption of your full duties as my wife, *together with the love* which you should have for me," and it is signed "Sincerely yours." The next two letters are similarly

signed, and the last two of May 31, 1900, and July 2, 1900, are signed "Yours truly." The last two letters give the defendant a cold invitation to return and "occupy the relations which you formerly held as my wife." The testimony referred to and the letters show that the petitioner refused to live with defendant because she said she did not love him, and persisted in the statement refusing to retract it, and that, although she expressed a desire to continue to live with him for appearance sake, and that the separation was probably caused by his act alone, certainly, if it were not that, it was with his consent, either of which facts is inconsistent with the wilful desertion and abandonment of petitioner by defendant.

It is subsequent expressions of willingness to resume marital relations with her and the invitations to that effect were conditioned upon her loving him, and are ineffectual upon their non-acceptance to base a claim of desertion. If the letters of 1900 could be construed as genuine unconditional invitations to resume marital relations their non-acceptance is too recent to sustain the petition. The entire testimony and evidence bears strong indications of the purpose that culminated in the filing of the petition, and the petition must be dismissed.

A. C. BRADLEY, J.

Decree Dismissing Bill.

Filed February 21, 1901.

In the Supreme Court of the District of Columbia.

WM. F. WOOLARD	}	No. 21906. Equity.
vs.		
CLARA C. WOOLARD.		

This cause having been submitted upon the petition and testimony, and having been carefully considered, and it appearing to the court to be entirely without merit, it is ordered, adjudged, and decreed, this 21st day of February, 1901, that the said petition be, and it hereby is, dismissed.

A. C. BRADLEY, *Justice.*

Memorandum.

Motion verbal by complainant for re-reference to examiner to take additional testimony.

Affidavit of Lucien Clark.

Filed February 28, 1901.

In the Supreme Court of the District of Columbia, Holding an
Equity Court.

WILLIAM F. WOOLARD	}	No. 21906.
<i>vs.</i>		
CLARA C. WOOLARD.		

DISTRICT OF COLUMBIA, ss:

I, Lucien Clark, being duly sworn, depose and say that I am the person who testified in the above case on January 7, 1901; that the inference that Mr. Woolard was unwilling for a reconciliation, which might be drawn from the general statement on lines 18 to 21 of page 4 of my said testimony that "I inquired diligently to learn if there were any possibility of a reconciliation, and I received the impression that it was impossible," is negated by the specific statement on page 6 to the effect that Mr. Woolard said he was ready to resume the marital relations with Mrs. Woolard provided he could retain her love, and by the further specific statement on page 9, to the effect that Mr. Woolard said "he was willing at any time, if she

42 would return to him and love him and live with him as a wife, to receive her as such;" and that the impression above referred to was due to the statements made by Mr. Woolard as to the feelings of his wife in the matter, and that his representations were corroborated by her in the subsequent interviews in which I attempted to effect a reconciliation, both before and after their separation; and, further, that Mr. Woolard's attitude was never at any of the interviews had with him other than an expressed willingness for a reconciliation, provided he could have the love of his wife.

LUCIEN CLARK.

Witness to Lucien Clark:
 FAUST F. CRAMPTON,
U. S. Patent Office.

Sworn to and subscribed before me this 27th day of February, 1901.

WM. H. DE LACY,
Notary Public.

[SEAL.]

Affidavit of John A. Lacy.

Filed February 28, 1901.

In the Supreme Court of the District of Columbia, Holding an
Equity Court.

WILLIAM F. WOOLARD }
vs. } No. 21906.
CLARA C. WOOLARD. }

DISTRICT OF COLUMBIA, ss :

43 I, John A. Lacy, being duly sworn, depose and say: I testified in the above case on January 16, 1901. A continuous and intimate friendship between William F. Woolard and myself has existed for most of the years since I became acquainted with that young man in 1887, and I have had his confidence in various matters for a good many of the years since that date. During the summer of 1898 he came to me and told me that his relations with his wife were not happy or satisfactory; that she had ceased to love him and to treat him with affection, or to live with him as a wife should. I advised him to make every reasonable effort to a reconciliation. He subsequently informed me that he had done so, but had failed, and that his wife had declared that she had ceased to regard him with love and affection, and soon after this they separated. He then informed me that he was still anxious to live with his wife, and would make any reasonable effort to do so, and that he intended to contribute to her support. I advised him against this course, and informed him that the law would not compel him to support her if she refused to live with him and conduct herself as his wife, and told him if he did send any money to be careful and preserve copies of his letters and have them verified, so as to be able to establish the fact, if necessary, that he had tried to do more than his duty to her. My advice to him with regard to preserving evidence of his correspondence with his wife was not given with reference to preparing evidence to be used in divorce proceedings, for at that time he expressed the hope and desire that his
44 wife would eventually return to him, and my advice to him was to use every reasonable effort to have her do so, but I did say to him that I would not advise him to live with her under the conditions that previously existed or if she persisted in refusing to give the love and affection that he had a right to expect from her as his wife. I also advised him to extend to his wife a standing invitation to return to him and live with him in a proper manner, and I had every reason to believe and do believe that this invitation was made to her by him in good faith and with a sincere desire to resume relations of love and affection with her as he expressed himself to me at that time. It was at my suggestion and

upon my advice that Mr. Woolard preserved copies of letters he sent to his wife.

JOHN A. LACY.

Sworn to and subscribed before me this 27th day of February, 1901.

[SEAL.]

W. BERTRAND ACKER,
Notary Public in and for D. C.

45 *Order Fixing Amount of Bond.*

Filed March 6, 1901.

In the Supreme Court of the District of Columbia, Holding an
Equity Court.

WILLIAM F. WOOLARD	}	In Equity. No. 21906.
v.		
CLARA C. WOOLARD.		

An appeal having been noted in open court from the decree passed herein on the 21st day of February, A. D. 1901, it is this sixth day of March, A. D. 1901, ordered, adjudged, and decreed that the penalty of the appeal bond be, and the same is hereby, fixed at one hundred dollars.

A. C. BRADLEY, *Justice.*

Memorandum.

March 8, 1901.—Appeal bond filed.

46 Supreme Court of the District of Columbia.

UNITED STATES OF AMERICA, }
District of Columbia, } ss:

I, John R. Young, clerk of the supreme court of the District of Columbia, hereby certify the foregoing pages, numbered from 1 to 45, inclusive, to be a true and correct transcript of the record, as prescribed by rule 5 of the Court of Appeals of the District of Columbia, in cause No. 21906, equity, wherein William F. Woolard is complainant and Clara C. Woolard is defendant, as the same remains upon the files and of record in said court.

In testimony whereof I hereunto subscribe
Seal Supreme Court my name and affix the seal of said court, at
of the District of the city of Washington, this 16th day of
Columbia. March, A. D. 1901.

JOHN R. YOUNG, *Clerk.*

Endorsed on cover: District of Columbia supreme court. No. 1072. William F. Woolard, appellant, vs. Clara C. Woolard. Court of Appeals, District of Columbia. Filed Mar. 16, 1901. Robert Willett, clerk.

ADDITION TO RECORD FILED BY LEAVE OF
COURT.

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

APRIL TERM, 1901.

No. 1072.

WILLIAM F. WOOLARD, APPELLANT,

vs.

CLARA C. WOOLARD.

FILED MARCH 21, 1901.

Notice to Defendant to Produce Certain Letters.

Filed Jan. 18, 1901.

In the Supreme Court of the District of Columbia.

WILLIAM F. WOOLARD, Petitioner,	}	In Equity. No. 21906.
<i>vs.</i>		
CLARA C. WOOLARD, Respondent.		

WASHINGTON, D. C., *January 7, 1901.*

You are hereby notified to produce in the above-entitled cause letters addressed by the petitioner to you, bearing dates, to wit, August 31, 1898; September 30, 1898; October 31, 1898; May 31, 1900, and July 2, 1900, together with any other correspondence during the period from August 31, 1898, to July 2, 1900, in any way pertaining to or affecting this cause, at a hearing before R. S. Boswell, examiner in chancery, at 10 o'clock a. m. on Thursday, January 10, 1901, and at the offices of Mr. E. Hilton Jackson, Columbian building, Fifth street between D and E streets northwest, this

city; otherwise secondary evidence of their contents will be introduced.

E. HILTON JACKSON,
Solicitor for Petitioner.

To Mrs. Clara C. Woolard, respondent, etc., 1347 T street N. W.

Supreme Court of the District of Columbia.

I, John R. Young, clerk of the supreme court of the District of Columbia, do hereby certify that the foregoing is a true copy of an original writing filed and of record in the above-entitled cause, and that the same was inadvertently omitted from the transcript of record heretofore transmitted to the Court of Appeals of the District of Columbia.

In testimony whereof I hereunto subscribe
Seal Supreme Court my name and affix the seal of said court, at
of the District of the city of Washington, this 20th day of
Columbia. March, A. D. 1901.

JOHN R. YOUNG, *Clerk.*

[Endorsed:] No. 1072. William F. Woolard, appellant, vs. Clara C. Woolard. Addition to record filed by leave of court. Court of Appeals, District of Columbia. Filed Mar. 21, 1901. Robert Willett, clerk.

